

§2003.51 General .

§2003.52 Departmental Delegations .

§2003.53 – 2003.54 [Reserved]

Exhibit B delegates and assigns to these officials the authorities, powers, functions, and duties assigned to FmHA by Departmental Regulations 1030-1, Part 2.

§§2003.56 - 2003.100 [Reserved]

Attachments: Exhibits A and B

DISTRIBUTION: W 1 Administration
Organization

TITLE 7 - Agriculture

PART 2 - DELEGATIONS OF AUTHORITY BY THE SECRETARY AND

GENERAL OFFICERS OF THE DEPARTMENT

SUBPART A - GENERAL

§ 2.1 Establishment of the Department.

The Department of Agriculture was created by the Act of May 15, 1862, and by the Act of February 9, 1889, it was made an executive department in the Federal Government under the supervision and control of the Secretary of Agriculture. 7 U.S.C. 2201, 2202, 2204.

§ 2.2 Authority of the Secretary to prescribe regulations.

The general authority of the Secretary to prescribe regulations governing the work of the Department is based on 5 U.S.C. 301 which provides in part, that:

The head of an executive department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of its records, papers, and property.

§ 2.3 Authority of the Secretary to delegate authority.

The general authority of the Secretary to make delegations of his authority is based on section 4(a) of Reorganization Plan No. 2 of 1953 which provides:

The Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by an agency or employee, of the Department of Agriculture of any functions of the Secretary, including any functions transferred to the Secretary by the provisions of this reorganization plan.

§ 2.4 General Officers

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs; the Under Secretary for Small Community and Rural Development; the Assistant Secretary for Natural Resources and Environment; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for Marketing and Inspection Services; the Assistant Secretary for

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Governmental and Public Affairs; the Assistant Secretary for Economics; the Assistant Secretary for Science and Education; the General Counsel; the Assistant Secretary for Administration; the Inspector General; the Judicial Officer; the Director, Office of Budget and Program Analysis; and the Executive Assistant to the Secretary.

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Subpart B - General Delegations of Authority by the Secretary of Agriculture

§ 2.7 Authority to supervise and direct.

Unless specifically reserved, or otherwise delegated, the delegations of authority to each general officer of the Department and each agency head contained in this part or elsewhere includes the authority to direct and supervise the employees engaged in the conduct of activities under his jurisdiction, and the authority to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction required by or authorized by law and deemed by the general officer or agency head to be necessary and proper to the discharge of his responsibilities. This authority will be exercised subject to applicable administrative rules and regulations. Unless otherwise provided, a general officer or agency head may, subject to his continuing responsibility for the proper discharge of delegations made to him in this part or elsewhere, delegate and provide for the redelegations of his authority to appropriate officers and employees. Subject to the general supervision of the Secretary, agency heads who are delegated authority from a general officer in this part or elsewhere, report to and are under the supervision of that general officer.

§ 2.8 Additional delegations.

The authority granted to a general officer may be exercised in the discharge of any additional functions which the Secretary may assign.

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Subpart C - Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

§ 2.23 Delegations of authority to the Under Secretary for Small Community and Rural Development.

The following delegations of authority are made by the Secretary of Agriculture to the Under Secretary for Small Community and Rural Development:

(a) Related to farmers home activities.

(1) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), except (i) with respect to loans for rural electrification and telephone facilities and service and financing for community antenna television services or facilities delegated to the Under Secretary for Small Community and Rural Development in paragraphs (c) (2) and (c) (3) of this section; (ii) the authority contained in section 342 of said act, 7 U.S.C. 1013a, (iii) the authority under 7 U.S.C. 1926 (a) (11), to administer areawide rural development planning assistance to public bodies; and (iv) the authority under 7 U.S.C. 1926 (a) (13), for assistance to eligible volunteer fire departments. This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration, or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporations of Washington, D.C.

(2) Administer title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), except those functions pertaining to research.

(3) Administer the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440 et. seq.), and under trust, liquidation, and other agreements entered into pursuant thereto.

(4) Administer section 8, and those functions with respect to repayment of obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(5) Administer the resource conservation and development program to assist in carrying out resource conservation and development projects in rural areas under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(6) Administer loan programs in Appalachian region under sections 203 and 204 of the Appalachian Regional Development Act of 1956 (40 U.S.C., App. 204).

(7) Administer Farmers Home Administration assets conveyed in trust under the Participation Sales Act of 1966 (12 U.S.C. 1717).

(8) Administer the emergency loan and guarantee programs and the rural housing disaster program under sections 232, 234, 237, and 253 of the Disaster Relief Act of 1970 (Pub. L. 91-608), the Disaster Relief Act of 1969 (Pub. L. 91-79), Pub. L. 92-385 approved August 16, 1972, the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357), as amended, and the Emergency Agricultural Credit Adjustment Act of 1978 (title II of Pub. L. 95-334).

(9) Administer loans to homestead or desertland entrymen and purchasers of land in reclamation projects or to an entryman under the desertland law (7 U.S.C. 1006a and 1006b).

(10) Administer loans to Indian tribes and tribal corporations (25 U.S.C. 488-492).

(11) Administer financial assistance programs under part A and part D of title I and the necessarily related functions in title VI of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2763-2768, 2841-2855, 2942, 2961) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture by documents dated October 23, 1964 (29 FR 4764), and June 17, 1968 (33 FR 9850), respectively.

(12) Administer the Federal Claims Collection Act of 1966 and joint regulations issued pursuant thereto by the Attorney General and the Comptroller General with respect to claims of the Farmers Home Administration (31 U.S.C. 951. 952; 4 CFR, ch. 11).

(13) Service, collect, settlement, and liquidation of:

(i) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719) as amended.

(ii) Puerto Rican Hurricane Relief loans under the act of July 11, 1956 (70 Stat. 525).

(iii) Loans made in conformance with section 4 of the Southeast Hurricane Disaster Relief Act of 1965 (79 Stat. 1301).

(14) Administer section 601 of the Power Plant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620).

(15) Assist the Commodity Credit Corporation in administering section 509 of the Rural Development Act of 1972, as amended (7 U.S.C. 2669).

(b) Related to rural development.

(1) Provide leadership and coordination within the executive branch of a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments (sec. 526(b) of the Rev. Stat.) (7 U.S.C. 2204(b)).

(2) Coordinate activities relative to rural development within the Department of Agriculture in cooperation with assistant secretaries which have primary responsibilities for specific titles of the Rural Development Act of 1972, and allied legislation.

(3) Administer a national program of economic, social, and environmental research and analysis, statistical programs and associated service work related to rural people and the communities in which they live including rural industrialization; rural population and manpower; local government finance; income; development strategies; housing; social services and utilization; adjustments to changing economic and technical forces; and other related matters.

(4) Work with Federal agencies in encouraging the creation of rural community development organizations.

(5) Assist other Federal agencies in making rural community development organizations aware of the Federal programs available to them.

(6) Advise rural community development organizations of the availability of Federal assistance programs.

(7) Advise other Federal agencies of the need for particular Federal programs.

(8) Assist rural community development organizations in making contact with Federal agencies whose assistance may be of a benefit to them.

(9) Assist other Federal agencies and national organizations in developing means for extending their services effectively to rural areas.

(10) Assist other Federal agencies in designing pilot projects in rural areas.

(11) Conduct studies to determine how programs of the Department can be brought to bear on the economic development problems of the country and assure that local groups are receiving adequate technical assistance from Federal agencies or from local and State Government in formulating development programs and in carrying out planned development activities.

(12) Assist other Federal agencies in formulating manpower development and training policies.

(13) Authority to enter into contracts for the support of rural development.

(14) Administer areawide rural development planning assistance to public bodies. (7 U.S.C. 1926 (a) (11)).

(c) Related to rural electrification and telephone service.

(1) Administer the Rural Electrification Act of 1936 amended (7 U.S.C. 901-950(b)).

(2) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) with respect to loans for rural telephone facilities and service.

(3) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) with respect to financing for community antenna television services or facilities.

(d) Related to committee management. Establish and reestablish regional, state, and local advisory committee for activities under his authority. This authority may not be redelegated.

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Subpart I - Delegations of Authority by the Under Secretary for Small Community and Rural Development

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§ 2.70 Administrator, Farmers Home Administration.

(a) Delegations. Pursuant to § 2.23 (a), (e) and (g), and subject to policy guidance and direction by the Under Secretary for Small Community and Rural Development, the following delegations are made by the Under Secretary for Small Community and Rural Development to the Administrator, Farmers Home Administration:

(1) Administration of the Consolidated Farm and Rural Development Act (Act) except (i) financing under section 306 (a) (1) of the Act, 7 U.S.C. 1926 (a) (1), of any rural electrification or telephone systems or facilities other than hydroelectric generating and related distribution systems and supplemental and supporting structures if they are not eligible for Rural Electrification Administration financing; (ii) financing for community antenna television services or facilities; (iii) the authority contained in section 342 of the Act, 7 U.S.C. 1013 a; (iv) the authority contained in section 306 (a) (11) of the Act, 7 U.S.C. 1926 (a) (11); and (v) the authority contained in section 306 (a) (13) of the Act, 7 U.S.C. 1926 (a) (13). This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporations of Washington, D.C.

(2) Administration of title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), except those functions pertaining to research.

(3) Administration of the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440 et seq.), and under trust, liquidation, and other agreements entered into pursuant thereto.

(4) Administration of section 8, and those functions with respect to repayment of obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1004, 1006a)

(5) Administration of the Resource Conservation and Development loan program to assist in carrying out Resource Conservation and Development projects in rural areas under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011 (e)).

(6) Administration of loan programs in the Appalachian region under sections 203 and 204 of the Appalachian Region Development Act of 1965 (40 U.S.C. app. 204).

(7) Administration of Farmers Home Administration assets conveyed in trust under the Participation Sales Act of 1966 (12 U.S.C. 1717).

(8) Administer the emergency loan and guarantee programs and the rural housing disaster program under sections 232, 234, and 253 of the Disaster Relief Act of 1970 (Public Law 91-606), the Disaster Relief Act of 1969 (Public Law 91-79), Public Law 92-385 approved August 16, 1972, and the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357), as amended, and the Emergency Agricultural Credit Adjustment Act of 1978 (title II of Pub. L. 95-334).

(9) Administration of loans to homestead or desertland entrymen and purchasers of land in reclamation projects or to an entryman under the desertland law (7 U.S.C. 1006a and 1006b).

(10) Administration of loans to Indian tribes and tribal corporations (25 U.S.C. 488-492).

(11) Administer financial assistance programs under part A of title III and part D of title I and the necessarily related functions in title VI of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2763-2768, 2841-2855, 2942, 2943(b), 2961) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture by documents dated October 23, 1964 (29 FR 14764), and June 17, 1968 (33 FR 9850), respectively.

(12) Administer the Federal Claims Collection Act of 1966 and joint regulations issued pursuant thereto by the Attorney General and the Comptroller General with respect to claims of the Farmers Home Administration (31 U.S.C. 951, 953; 4 CFR, chapter II).

(13) Servicing, collection, settlement, and liquidation of:

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(i) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Interior Appropriation Act, 1940 (53 Stat. 719, as amended).

(ii) Puerto Rican hurricane relief loans under the act of July 11, 1956 (70 Stat. 525).

(iii) Loans made in conformance with section 4 of the "Southeast Hurricane Disaster Relief Act of 1965." (79 Stat. 1301)

(14) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. app. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2251 et seq.), relating to rural credit and financial assistance.

(15) - (27) [Reserved]

(28) Administer section 601 of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620).

(29) Provide Department-wide operational support and coordination for loan and grant programs to foster and encourage the production of fuels from agricultural and forestry products or by-products.

(30) Assist the Commodity Credit Corporation in administering section 509 of the Rural Development Act of 1972, as amended (7 U.S.C. 2669).

(b) Reservations. The following authorities are reserved to the Under Secretary for Small Community and Rural Development:

(1) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1929, 1929(a)) and the Rural Housing Insurance Fund as authorized by title V of the Housing Act of 1949 (41 U.S.C. 1487).

(2) Administering loans for rural telephone facilities and service in rural areas of 1,500 or less as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

DELEGATION AND ASSIGNMENT OF AUTHORITIES TO THE ASSOCIATE
ADMINISTRATOR, DEPUTY ADMINISTRATOR PROGRAM OPERATIONS,
DEPUTY ADMINISTRATOR FINANCIAL AND ADMINISTRATIVE OPERATIONS,
AND ASSISTANT ADMINISTRATORS, AND RESERVATIONS TO THE ADMINISTRATOR

I DELEGATIONS AND ASSIGNMENTS : The following delegations and assignments are hereby made subject to the general direction and supervision of the Administrator:

A To the Associate Administrator . All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator.

B To the Deputy Administrator Program Operations . All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following program areas:

Rural Housing Programs

Community and Business Programs

Farmer Programs

1 To the Assistant Administrator Housing . All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following program areas:

Single Family Housing Programs

Multiple Family Housing Programs

2 To the Assistant Administrator Farmer Programs . All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following programs: (Revised 8-15-84, PN 940.)

Farm Ownership

Soil and Water Loans to Individuals

Recreation Loan to Individuals

Economic Emergency Loans

Emergency Loans (Disaster)

Emergency Livestock Loans (Servicing Only)

Operating Loans

Loans to Indian Tribes and Tribal Corporations

Economic Opportunity Individual, under Title III, Part A,
of the Economic Opportunity Act of 1964

Defense Emergency Loans

Irrigation, Drainage, and other Soil and Water Conservation

Shift in Land Use (including Grazing)

3. To the Assistant Administrator Community and Business Programs. All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following programs: (Revised 8-15-84, PN 940.)

Water and Waste Disposal Loans and Grants

Grants for Comprehensive Area Water and Sewer Plans

Watershed and Flood Prevention

Shift in Land Use (Servicing Recreation Loans)

Resource Conservation and Development

Industrial Development Grants

Community Recreational Facilities

Economic Opportunity Cooperative, under Title III,
Part A, of the Economic Opportunity Act of 1964

Community Facility Loans

Business and Industrial Development

Energy Impacted Area Development Assistance Program

C To the Deputy Administrator Financial and Administrative Operations.

All authorities, powers, functions, and duties that have been, and that hereafter may be, invested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following Administrative areas:

C To the Deputy Administrator Financial and Administrative Operations .

 All authorities, powers, functions, and duties that have been, and that hereafter may be, invested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following Administrative areas:

Automated Systems Development
Accounting
Planning, Budgeting and Finance
Resources Services

1 To the Assistant Deputy Administrator for Automated Systems Development . All authorities, powers, functions and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following:

Management Information Systems Development
Accounting System Design and Development
Accounting System Conversion and Enhancement

2 To the Assistant Administrator for Resources and Services . All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following:

Personnel
Training
Organization and Management Analysis
Administrative Services
Directives and Forms
Property and Procurement

3 To the Assistant Administrator for Planning, Budget and Finance . All authorities, powers, functions, and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator in connection with the following:

Budget and Planning
Financial Management
Productivity Analysis

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(Added 11-19-97, PN 282)

4 To the Assistant Administrator Accounting and Director Finance
Office. All authorities, powers, functions, and duties that have been, and
that hereafter may be, vested in the Secretary of Agriculture and delegated
and assigned to the Administrator in connection with the following:

Accounting Operations
Administrative Support for Field Offices

II Reservations: Any reservations of authority by the Administrator will
appear in RD procedures covering specific programs. (Revised 11-19-97,
PN 282.)

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